

Calendar No. 728

108TH CONGRESS
2D SESSION

S. 2374

[Report No. 108–369]

To provide for the conveyance of certain land to the United States and to revise the boundary of Chickasaw National Recreation Area, Oklahoma, and for other purposes.

IN THE SENATE OF THE UNITED STATES

APRIL 29, 2004

Mr. NICKLES (for himself and Mr. INHOFE) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

SEPTEMBER 28, 2004

Reported by Mr. DOMENICI, with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]

A BILL

To provide for the conveyance of certain land to the United States and to revise the boundary of Chickasaw National Recreation Area, Oklahoma, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Chickasaw National
3 Recreation Area Land Exchange Act of 2004.”.

4 **SEC. 2. FINDINGS AND PURPOSE.**

5 (a) FINDINGS.—Congress finds that—

6 (1) by provision 64 of the Agreement between
7 the United States and the Choctaws and Chickasaws
8 dated March 21, 1902, approved by the Act of July
9 1, 1902 (32 Stat. 641, 655; chapter 1362), 640
10 acres of property were ceded to the United States
11 for the purpose of creating Sulphur Springs Res-
12 ervation, later known as “Platt National Park”, to
13 protect water and other resources and provide public
14 access;

15 (2) in 1976, Platt National Park, the Arbuckle
16 Recreation Area, and additional land were combined
17 to create Chickasaw National Recreation Area—

18 (A) to protect and expand water and other
19 resources; and

20 (B) to memorialize the history and culture
21 of the Chickasaw Nation;

22 (3) recently, the Chickasaw Nation has ex-
23 pressed interest in establishing a cultural center in-
24 side or adjacent to the park;

1 (4) in the Final Amendment to the General
2 Management Plan of the Chickasaw National Recre-
3 ation Area (1994), it was determined that—

4 (A) the best location for a proposed Chick-
5 asaw Nation Cultural Center is within the exist-
6 ing boundary of the recreation area; and

7 (B) the selected cultural center site should
8 be conveyed to the Chickasaw Nation in ex-
9 change for land of equal value;

10 (5) the land selected to be conveyed to the
11 Chickasaw Nation holds significant historical and
12 cultural connections with the people of the Chicka-
13 saw Nation;

14 (6) the city of Sulphur, Oklahoma, is a key
15 partner in the land exchange through its donation of
16 land to the Chickasaw Nation for the purpose of ex-
17 change with the United States;

18 (7) the City has conveyed fee simple title to the
19 non-Federal land described as Tract 102-26 to the
20 Chickasaw Nation by warranty deed; and

21 (8) the Secretary, the Chickasaw Nation, and
22 the City have signed a preliminary agreement to ef-
23 fect a land exchange to allow the construction of a
24 cultural center and further protect the watershed
25 and riparian resources of the park.

1 (b) **PURPOSE.**—The purpose of this Act is to provide
 2 for the land conveyance and trust acquisition in accord-
 3 ance with the terms and conditions of this Act.

4 **SEC. 3. DEFINITIONS.**

5 In this Act:

6 (1) **CITY.**—The term “City” means the city of
 7 Sulphur, Oklahoma.

8 (2) **FEDERAL LAND.**—The term “Federal land”
 9 means the Chickasaw National Recreational Area
 10 land and interests in that land, identified as Tract
 11 102–25 on the Map.

12 (3) **NON-FEDERAL LAND.**—The term “non-Fed-
 13 eral land” means the land and interests in land, for-
 14 merly owned by the City and currently owned by the
 15 Chickasaw Nation, located adjacent to the existing
 16 boundary of Chickasaw National Recreation Area
 17 and identified as Tract 102–26 on the Map.

18 (4) **MAP.**—The term “Map” means the map en-
 19 titled “Proposed Land Exchange and Boundary Re-
 20 vision, Chickasaw National Recreation Area”, dated
 21 September 8, 2003, and numbered 107/800035a.

22 (5) **SECRETARY.**—The term “Secretary” means
 23 the Secretary of the Interior.

1 **SEC. 4. CHICKASAW NATIONAL RECREATION AREA LAND**
 2 **CONVEYANCE.**

3 (a) ~~LAND EXCHANGE; TRUST STATUS.—~~

4 (1) ~~LAND EXCHANGE.—~~If the Chickasaw Na-
 5 tion conveys to the United States fee simple title to
 6 the non-Federal land, the Secretary shall simulta-
 7 neously convey to the Chickasaw Nation all of the
 8 right, title, and interest of the United States in and
 9 to the Federal land.

10 (2) ~~TRUST STATUS.—~~On the exchange of land
 11 under paragraph (1), the Secretary shall place the
 12 Federal land conveyed to the Chickasaw Nation in
 13 trust for the benefit of the Chickasaw Nation to
 14 allow the construction of a cultural center and to
 15 protect the watershed and riparian resources of the
 16 Chickasaw National Recreation Area.

17 (b) ~~EQUAL VALUE OF LAND.—~~The value of the Fed-
 18 eral land and the non-Federal land shall be of approxi-
 19 mately equal value, as determined by the Secretary
 20 through an appraisal performed by a qualified appraiser
 21 and in conformance with the Uniform Appraisal Stand-
 22 ards for Federal Land Acquisitions.

23 (c) ~~CONDITIONS.—~~Notwithstanding subsection (a),
 24 the land conveyance and trust acquisition under sub-
 25 section (a) shall not take place until completion of all
 26 items included in the Preliminary Exchange Agreement

1 among the City, the Chickasaw Nation, and the Secretary,
 2 executed on July 16, 2002.

3 (d) ~~ADMINISTRATION OF ACQUIRED LAND.~~—On con-
 4 veyance of the non-Federal land to the Secretary under
 5 this Act—

6 (1) the non-Federal land shall become part of
 7 the Chickasaw National Recreation Area; and

8 (2) the Secretary shall manage the land in ac-
 9 cordance with the Act of August 25, 1916 (com-
 10 monly known as the “National Park Service Act”)
 11 (16 U.S.C. 1 et seq.) and the other laws (including
 12 regulations) applicable to the National Park System.

13 (e) ~~BOUNDARY REVISION.~~—On completion of the
 14 land exchange under subsection (a), the Secretary shall
 15 revise the boundary of Chickasaw National Recreation
 16 Area to reflect the acquisition of the non-Federal land con-
 17 veyed to the United States.

18 **SECTION 1. SHORT TITLE.**

19 *This Act may be cited as the “Chickasaw National*
 20 *Recreation Area Land Exchange Act of 2004”.*

21 **SEC. 2. DEFINITIONS.**

22 *In this Act:*

23 (1) *FEDERAL LAND.*—*The term “Federal land”*
 24 *means the Chickasaw National Recreational Area*

1 *land and interests in the land, identified as Tract*
 2 *102–25 on the Map.*

3 (2) *NON-FEDERAL LAND.*—*The term “non-Fed-*
 4 *eral land” means the land and interests in the land*
 5 *formerly owned by the City of Sulphur, Oklahoma,*
 6 *and currently owned by the Chickasaw Nation, lo-*
 7 *cated adjacent to the existing boundary of Chickasaw*
 8 *National Recreation Area and identified as Tract*
 9 *102–26 on the Map.*

10 (3) *MAP.*—*The term “Map” means the map enti-*
 11 *tled “Proposed Land Exchange and Boundary Revi-*
 12 *sion, Chickasaw National Recreation Area”, dated*
 13 *September 8, 2003, and numbered 107/800035a.*

14 (4) *SECRETARY.*—*The term “Secretary” means*
 15 *the Secretary of the Interior.*

16 **SEC. 3. CHICKASAW NATIONAL RECREATION AREA LAND**
 17 **CONVEYANCE.**

18 (a) *LAND CONVEYANCE.*—*Not later 180 days after the*
 19 *Chickasaw Nation conveys all right, title, and interest in*
 20 *and to the non-Federal land to the United States, the Sec-*
 21 *retary shall convey all right, title, and interest in and to*
 22 *the Federal land to the Chickasaw Nation.*

23 (b) *EQUAL VALUE OF LAND.*—*The value of the Federal*
 24 *land and the non-Federal land shall be of approximately*
 25 *equal value, as determined by the Secretary through an ap-*

1 *praisal performed by a qualified appraiser and in conform-*
 2 *ance with the Uniform Appraisal Standards for Federal*
 3 *Land Acquisitions.*

4 *(c) CONDITIONS.—*

5 *(1) IN GENERAL.—Notwithstanding subsection*
 6 *(a), the conveyance of the non-Federal land author-*
 7 *ized under subsection (a) shall not take place until*
 8 *the completion of all provisions included in the Pre-*
 9 *liminary Exchange Agreement among the City of Sul-*
 10 *phur, the Chickasaw Nation, and the National Park*
 11 *Service, executed on July 16, 2002, except as provided*
 12 *in paragraph (2).*

13 *(2) EXCEPTION.—Completion of the provisions*
 14 *in section III.B.3. of the Preliminary Exchange*
 15 *Agreement among the City of Sulphur, the Chickasaw*
 16 *Nation, and the National Park Service, executed on*
 17 *July 16, 2002, providing for the Federal land to be*
 18 *taken into trust for the benefit of the Chickasaw Na-*
 19 *tion shall not be required.*

20 *(d) ADMINISTRATION OF ACQUIRED LAND.—On com-*
 21 *pletion of the land exchange authorized under subsection*
 22 *(a), the Secretary—*

23 *(1) shall revise the boundary of Chickasaw Na-*
 24 *tional Recreation Area to reflect the exchange; and*

1 (2) *shall administer the land acquired by the*
2 *United States in accordance with applicable laws (in-*
3 *cluding regulations).*

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